

# Exhibit O

**WSU\_00033988-WSU\_00033990**



## WASHINGTON STATE

ATHLETICS

Hand Delivered

October 18, 2021

Nicholas R. Rolovich  
1815 SW Casey Court  
Pullman, WA 99163

Re: Written Notice of Intent to Terminate for Just Cause

Coach Rolovich:

Pursuant to Paragraphs 4.1 through 4.3 of your Employment Agreement as Head Men's Football Coach, this letter constitutes notice of the University's intent to terminate your employment for just cause.

- You were notified on September 1, 2021, and September 23, 2021, that per Proclamation 21-14.1, all state employees, including those in higher education, would be required to be fully vaccinated against COVID-19 via one of the FDA approved vaccines by October 18, 2021.
- The notice stated that if not vaccinated, you could apply for a medical or religious exemption and accommodation through WSU Human Resources (HRS). The University provided notice of the process on August 31, 2021, September 8, 2021, September 29, 2021, and October 4, 2021.
- You requested an exemption from the vaccine requirement on religious grounds. Your request was denied on October 18, 2021.

This action is in accordance with the terms of your contract, signed in April 2020, and amended in April 2021. The specific provisions violated include the following:

- Paragraph 1.2.1 requires you to devote your best efforts to the performance of your duties. In particular, you are required to "comply with and support all rules, regulations, policies, and decisions established or issued by the University." Further, you must "abide by all provisions of law." Your failure to comply with the vaccination requirement, which is both a University policy and requirement of law under the Governor's Proclamation, violates these provisions and has rendered you legally unable to perform your duties as Head Coach. Your non-compliance with the vaccine requirement, and the fact that you are now legally unable to fulfill your obligations to the University as Head Coach, also violates Section 4.1.5 of your Employment Agreement, conduct of Employee seriously prejudicial to the best interests of the University or its athletic program, and Paragraph 4.1.1.
- Paragraph 4.1.1 prohibits you from engaging in "deliberate and serious violations" of your duties, or "refusal or unwillingness to perform such duties in good faith and to the best of your abilities" As noted in my July 26, 2021, warning letter to you, your contract

requires you to participate in events, activities, and efforts to foster support for the Football program, and your personal decision to forego a COVID-19 vaccination has impacted your ability to do so, interfering with your ability to meet with donors and others. These activities are a critical part of being a head football coach at a Pac-12 school. See 1.2.1.2.h. Because of your decisions, WSU, the Football program, and the Athletics programs have been subject to several damaging events. These events include the following:

- Your inability to attend in-person Pac-12 Football Media Day in Los Angeles on July 27, 2021. Because of your decision to not get vaccinated, you were the only coach who did not attend in person. Your decision became the primary story concerning football and put our student athletes and other attendees in the position of having to address your absence. This was, and continues to be, a major distraction for the University, Athletics department, and the Football team.
- Your inability to attend any of the regularly scheduled Friday donor lunches. Section 1.2.1.2.h requires that you participate in events, activities, and/or efforts to foster support for the University's Athletic Department and/or the Football program. You have not actively participated in donor engagement, foster program support, or fundraising. The Friday donor lunch is a critical component of donor outreach, and your absence has been prejudicial to the Football program and the Athletics department.
- Your inability to attend the WSU Football Coaches Show in person that broadcasts live from Zeppoz. This is another critical component of donor and fan outreach. By not attending the show in person, interest from fans has been negatively impacted. Further, you are unable to attend other coaching speaking engagements in person, and you are limited in your ability to attend other campus events such as pep rallies and other fall sports. Your lack of presence as the Head Coach of WSU's most popular and well-known sport is pronounced and has been prejudicial to the Football program and the Athletics program.
- Your inability to attend live donor meetings, including several donor interactions scheduled for July. These events were subsequently canceled. Further, donors have declined to engage in personal meetings or remote meetings out of concern for their personal safety and the disappointment in the lack of leadership your handling of this matter has portrayed. Further, the University and the Athletics department has not been able to schedule future donor meetings based on your actions. Several donors have revoked gifts or put them on hold until further notice because of your decision.
- Paragraph 1.2.1.2 requires you to "Evaluate, recruit, train, and develop student-athletes." You also are responsible for establishment of a program identity and approach to competition, and the game planning for individual games and the season. You have failed to fulfill these obligations by engaging in the following behavior:
  - You are unable to attend individual position meetings or engage one-on-one with players or assistant coaches during practices, team meetings, and other preparatory functions. Interactions with assistant coaches and players has been limited and has led to poor planning, lack of communication, and a void in leadership.

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- Your ability to travel extensively and recruit has been impacted by your decision. Recruiting has been significantly impacted this year, as evidenced by a notable decline in the number of verbal commitments.

As the most high-profile employee of WSU and one of the most highly compensated state employees in Washington, your choices and behavior also reflect on the University, the Athletics Department, and the Football program at all times. In addition to the above, the voicing of physical threats regarding a coach we talked about related to our contingency plan was completely unacceptable.

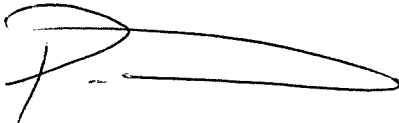
Your conduct has been seriously prejudicial to the best interests of the University and the Football program, including putting the University and the Football program in a negative national spotlight, and is a violation of your contract. (See paragraph 4.1.5).

Per Section 4.2 of your Employment Agreement, you have fifteen (15) calendar days to respond to me, in writing, with reasons why you should not be terminated. I will respond accordingly consistent with the terms of your Employment Agreement.

Effective immediately you have been placed on paid administrative leave pending the outcome of this notice of intent to terminate for just cause. You are not to perform any work on behalf of the University. Your WSU email account has been disabled and systems access removed.

For information regarding your benefits, please visit <http://hrs.wsu.edu/employees/benefits/separating-employee-information/>. If you have specific benefits questions, such as options for continuing medical and dental coverage beyond your separation date, please contact Human Resource Services at 509.335.4521.

Sincerely,



Patrick Chun  
Director of Athletics

cc: Athletics Employment File  
HRS Personnel File  
HRS Employment Services